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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

C.R., by and through her Guardian Ad Litem,  
TIFFANY ROE,

Plaintiff,

vs.

Case No. 2:20-CV-02296-KJM-AC

**STIPULATED MOTION AND ORDER TO  
CONTINUE DEADLINES SET FORTH IN  
COURT'S MARCH 25, 2021 MINUTE  
ORDER**

ELK GROVE UNIFIED SCHOOL DISTRICT,  
CAPITOL ELEMENTARY SCHOOL, INC.,  
MARILYN DELGADO and IRA ROSS, as  
individuals, and DOES 1 to 10,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by all parties to the above-entitled action, by and through their counsel of record, that good cause exists for the extension of the deadlines set forth in the Court's March 25, 2021, Minutes for Scheduling Conference, to allow the parties to continue factual discovery, permit timely disclosure of experts, and prepare and file any dispositive motions, if necessary.

WHEREAS, the parties agree good cause exists on the following grounds: As for Plaintiff's counsel, on or about September 8, 2021, Plaintiff's counsel was substituted out for current counsel, Carol Lynn Thompson. This transition was severely delayed due to various complications with COVID-19 remote workplace hurdles, required additional time to understand the facts of the instant action, and required additional time to respond to and serve written discovery in this action. Therefore, deposition discovery was delayed.

As for counsel for Capitol Elementary School, written discovery was severely delayed due to an inadvertent service error wherein for reasons unknown to counsel for Capitol Elementary School, Plaintiff's counsel did not receive written discovery propounded by Capitol Elementary School to Plaintiff. This service error was not discovered until several weeks after the discovery was propounded (because Capitol Elementary School was awaiting responses). Upon inquiry to Plaintiff's counsel, Plaintiff's counsel advised that it never received the written discovery, thereby requiring re-service and additional time to respond, both per Code of Civil Procedure and professional courtesy extensions. Accordingly, depositions could not commence until receipt of these written discovery responses. Furthermore, counsel for Capitol Elementary School subpoenaed various records regarding Plaintiff's alleged injuries upon receipt of the written discovery. Counsel is awaiting records from Sacramento Police Department (pending issuance of a court order allowing the release of records), as well as several treatment providers (seven at this time), many of whom are requiring Plaintiff's authorization due to Plaintiff's age and the nature of

1 the requested records. Accordingly, this has delayed discovery and depositions in this case.

2 As for counsel for Elk Grove Unified School District, responses to written discovery and  
3 compilation of documents was delayed due to COVID-19 restrictions and ability to obtain  
4 information from relevant individuals. Furthermore, Elk Grove Unified School District is  
5 awaiting a ruling on its Motion to File an Amended Answer/ Cross-Complaint, which will  
6 subsequently change the scope of discovery in this case to include additional causes of action.

7 All parties are currently engaged in written discovery and are working diligently to obtain  
8 the relevant and necessary documents and records prior to commencing depositions in this case.  
9 Upon receipt of the necessary documents and records, depositions will commence.

10 WHEREAS, the Court's current March 25, 2021, Minutes for Scheduling Conference  
11 deadlines are as follows:

- 12 1. Factual discovery shall be completed by March 25, 2022;
- 13 2. Expert disclosures shall be completed by February 11, 2022;
- 14 3. Rebuttal Expert witnesses shall be exchanged by March 11, 2022;
- 15 4. All expert discovery shall be completed by July 25, 2022;
- 16 5. All dispositive motions, except for motions for continuances, temporary  
17 restraining orders or other emergency applications, shall be heard by August 26,  
18 2022; and
- 19 6. The Parties will notify the court whether they request a court settlement  
20 conference date or referral to the Voluntary Dispute Resolution Program  
21 (VDRP) on or before March 1, 2022.

22 Accordingly, the parties hereby respectfully request that the above deadlines be extended  
23 as follows:

- 24 1. Factual discovery shall be completed by October 25, 2022;
- 25 2. Expert disclosures shall be completed by January 25, 2023;
- 26 3. Rebuttal Expert witnesses shall be exchanged by February 27, 2023;
- 27 4. All expert discovery shall be completed by June 27, 2023;

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5. All dispositive motions, except for motions for continuances, temporary restraining orders or other emergency applications, shall be heard by September 27, 2023; and

6. The Parties will notify the court whether they request a court settlement conference date or referral to the Voluntary Dispute Resolution Program (VDRP) on or before October 28, 2022.

**IT IS SO STIPULATED.**

Dated: February 7, 2022

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Dated: March 1, 2022

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1 Dated: February 7, 2022

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2  
3 By



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*Capitol Elementary School, Inc., and Ira Ross*

10  
11  
12 **ORDER**

13 Upon review of the parties' Stipulated Motion to Continue Deadlines Set Forth in Court's  
14 March 25, 2021 Minute Order,

15 IT IS HEREBY ORDERED:

16 The parties' Stipulated Motion to Continue Deadlines Set Forth in Court's March 25, 2021  
17 Minute Order is hereby GRANTED. Accordingly, the Court's current deadlines set forth in its  
18 March 25, 2021 Minute Order are extended as follows:

- 19 1. Factual discovery shall be completed by October 25, 2022;
- 20 2. Expert disclosures shall be completed by January 25, 2023;
- 21 3. Rebuttal Expert witnesses shall be exchanged by February 27, 2023;
- 22 4. All expert discovery shall be completed by June 27, 2023;
- 23 5. All dispositive motions, except for motions for continuances, temporary restraining  
24 orders or other emergency applications, shall be heard by October 6, 2023; and

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DATED: March 1, 2022.

  
CHIEF UNITED STATES DISTRICT JUDGE